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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

Notification

CDP/VPT/1695/65

In exercise of powers vested in me under Section 65 of the Goa, Daman and Diu Village Panchayats Regulation, 1962, I, K. R. Damle, Lieutenant Governor of Goa, Daman and Diu am hereby pleased to amend Rule 14 of the Goa, Daman and Diu Village Panchayats (Election Procedure) Rules, 1962 as follows:—

Rule 14:— Subject to the orders of the Development Commissioner, the Assistant Director of Panchayats or any other officer authorised by him in this behalf shall draw up a programme specifying:—

- the date and place for the filing of nomination papers of candidates, and for the scrutiny of such nomination papers, and
- a further date or dates on which a poll shall, if necessary, be taken for the election of the panchas of a Gram Panchayat; and shall announce it within the Gram Panchayat area at least five days before the date for filing, the nomination papers.

THE LIEUTENANT GOVERNOR

K. R. Damle

Panjim, 15th October, 1965.

Finance Department

Notification

FS/F.III/2-36/312/65

In exercise of the powers conferred by Sub-section (2) of Section 10 of the Goa, Daman and Diu Sales Tax Act, 1964 read with Notification No. 7/3/65-UTL of the Government of India, Ministry of Home Affairs, dated 14-4-1965 the Administrator of Goa, Daman and Diu hereby makes the following

amendments to the entries in the Second Schedule to the Act, namely:—

- in entry 13, the words «groundnut oil» shall be added at the beginning;
- in entry 20, the words «and other articles of stationery used by students» shall be omitted;
- in entry 43, the words «and all other condiments» shall be omitted and the word «and» shall be inserted after the word «tamarind»; and
- entry 46 shall be omitted.

By order and in the name of the Administrator of Goa, Daman and Diu.

T. B. Nagarajan, Finance Secretary.

Panjim, 22nd April, 1965.

Notification

F.D.F.III/2-36/part/475/64/65

In exercise of the powers conferred by sub-Section (2) of Section 10 of the Goa, Daman and Diu Sales Tax Act, 1964, read with Notification No. 7/3/65-UTL of the Government of India, Ministry of Home Affairs, dated 14th April 1965, the Administrator of Goa, Daman and Diu hereby makes the following additions in the Second Schedule of the Act, namely:—

Entry No. 63:

(a) The following Plant Protection appliances:

- Sprayers and dusters, both manual and power driven.
- Low Volume atomisers for dusting and spraying as single or combined units.
- Fog generators.
- Seed treating drums, both manual and power driven.
- Rat fumigation pumps.
- Soil injectors.
- Bird and animal scaring machines.
- Spare parts and accessories for hereinabove described plant protection appliances.

(b) The following Pesticides for plant protection:

- Insecticides and acaricides.
- Fungicides.

- (iii) Moluscides.
- (iv) Herbicides (weedicides).
- (v) Rodenticides.
- (vi) Germicides and bactericides.
- (vii) Fumigants.

By order and in the name of the Administrator
of Goa, Daman and Diu.

N. Subramanian, Finance Secretary.

Panjim, 9th July, 1965.

Directorate of Accounts

Notification

The following Notifications and a Press note of the Government of India, Ministry of Finance, Department of Company Affairs and Insurance, published in the Gazette of India are republished for general information.

A. T. Chari, Deputy Director of Accounts.

Panjim, 7th September, 1965.

108(4)-INS.I/64.ERI

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

(Department of Company Affairs & Insurance)

New Delhi, the 14th August, 1965

To

The Finance Secretaries/Labour Secretaries of all States and the Government of all Union Territories, all the Accountants General (Civil)

Subject: Emergency Risks (goods) and (Factories) Insurance Act, 1962, (Enforcement of —

Sir,

I am directed to refer to this Ministry's letter No. 106(2)-INS.I/64.ERI dated the 18th April, 1964, on the above subject and to enclose a copy of each of the four notifications of even number dated the 12th August, 1965, delegating powers under certain sections of the two Emergency Risks Insurance Acts to the Deputy Director, the Chief Enforcement Officers, and Enforcement Officers, employed by the Central Government in connection with the Emergency Risks (Goods) and (Factories) Insurance Schemes, for information.

Yours faithfully,

S. S. SHARMA

Under Secretary to the Government of India.

Notification

New Delhi, the 12th August, 1965
21 Sravana, 1887 (S)

S. O. — In pursuance of the provisions of sub-section (1) of section 11 and sections 12 and 13 of the Emergency Risks (Factories) Insurance Act, 1962 (63 of 1962) the Central Government hereby authorises the Deputy Director and the Chief Enforcement Officers, employed in connection with the emergency risks insurance work in the Ministry of

Finance (Department of Company Affairs and Insurance) for the purposes of the said provisions.

(No. F.108(4)-INS.I/65-ERI-I)

S. S. SHARMA

Under Secretary to the Government of India.

Notification

New Delhi, the 12th August, 1965
21 Sravana, 1887 (S)

S. O. — In pursuance of the provisions of sub-section (1) of section 8 and sections 14 and 15 of the Emergency Risks (Good) Insurance Act, 1962 (62 of 1962), the Central Government hereby authorises the Deputy Director and the Chief Enforcement Officers employed in connection with the emergency risks insurance work in the Ministry of Finance (Department of Company Affairs and Insurance) for the purposes of the said provisions.

(No. F.108(4)-INS.I/65-ERI-II)

S. S. SHARMA

Under Secretary to the Government of India.

Notification

New Delhi, the 12th August, 1965
21 Sravana, 1887 (S)

S. O. — In pursuance of the provisions of Sub-Section (1) of section 8 of the Emergency Risks (Factories) Insurance Act, 1962 (63 of 1962), the Central Government hereby authorises the Deputy Director, Chief Enforcement Officers and Enforcement Officers, employed in connection with the emergency risks insurance work in the Ministry of Finance (Department of Company Affairs and Insurance) to exercise all or any of the powers specified in the said sub-section.

(No. F.108(4)-INS.I/65-ERI-III)

S. S. SHARMA

Under Secretary to the Government of India.

Notification

New Delhi, the 12th August, 1965
21 Sravana, 1887 (S)

S. O. — In pursuance of the provisions of Sub-section (1) of section 11 of the Emergency Risks (Goods) Insurance Act, 1962 (62 of 1962), the Central Government hereby authorises the Deputy Director, Chief Enforcement Officers and Enforcement Officers, employed in connection with the emergency risks insurance work, in the Ministry of Finance (Department of Company Affairs and Insurance) to exercise all or any of the powers specified in the said sub-section.

(No. F.108(4)-INS.I/65-ERI-IV)

S. S. SHARMA

Under Secretary to the Government of India.

Press Note

Instances have come to the notice of Government where factories or establishments compulsorily insurable under the Emergency Risks (Factories) Insurance Act, 1962 and Emergency Risks (Goods)

Insurance Act, 1962 have failed to insure thus attracting the penal provisions of the two acts. The Government have set up an enforcement organisation under a Deputy Director in the Ministry of Finance (Department of Company Affairs & Insurance) for checking up all establishments and factories in order to bring to book the defaulters who have either not taken the Emergency Risks Insurance or have under-insured. The Enforcement Officers, Chief Enforcement Officers and the Deputy Director have been delegated necessary powers with regard to inspection of accounts and obtaining information, and if necessary, to enter any premises with a view to inspect whether there has been compliance with the provisions of these Acts; determination of the amounts of premium evaded and to realise the same as arrears of land revenue; compound offences and launch prosecutions wherever necessary.

Law Department

Notification

L. D. 42/65

In exercise of the powers conferred by section 17(1) of the Indian Registration Act, 1908 as extended to the Union Territory of Goa, Daman and Diu, the Lt. Governor of Goa, Daman and Diu hereby exempts from the operation of section 17(1) all leases executed in the district of Goa the terms granted by which do not exceed 5 years and the annual rents reserved by which do not exceed Rs. 50/-.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. B. Venkatasubramanian, Law Secretary.

Panjim, 25th October, 1965.

Notification

L. D. 43/65

In exercise of the powers conferred by section 1 of the Transfer of Property Act, 1882 as extended to the Union Territory of Goa, Daman and Diu, the Lt. Governor of Goa, Daman and Diu hereby directs that the said Act shall extend and apply to the Goa area of the Union Territory with effect from the 1st November, 1965.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. B. Venkatasubramanian, Law Secretary.

Panjim, 25th October, 1965.

Notification

L. D. 44/65

In exercise of the powers conferred by section 5(1) of the Indian Registration Act, 1908, as extended to the Union Territory of Goa, Daman and Diu, the Lt. Governor of Goa, Daman and Diu hereby directs that the Goa area shall constitute a district for the purpose of the said Act.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. B. Venkatasubramanian, Law Secretary.

Panjim, 25th October, 1965.

Legislature Department

LA/3271/65

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the assent of the President of India on the 15th October, 1965 and is hereby published for general information.

The Goa, Daman and Diu State-Aid to Industries Act, 1965

(No. 15 of 1965) [15th October, 1965]

An Act to regulate grant of loans to Small Scale and Cottage Industries in the Union Territory of Goa, Daman and Diu, and for purposes connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu, in the Sixteenth Year of the Republic of India, as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Goa, Daman and Diu State-aid to Industries Act, 1965.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint, and different dates may be appointed for different areas.

2. **Definitions.**—In this Act, unless the context requires otherwise—

(a) «borrower» means a person who has received a loan under this Act, and which has not been repaid in full in accordance with section 5.

(b) «cottage industry» means an industry specified as such by rules made by the State Government, regard being had in particular to the fact that such industry is carried on by an artisan in or near his home, and the capital of which does not exceed Rs. 25,000/- (or such other sum as the State Government may from time to time in such rules denote):

(c) «industry» means the manufacture, preservation or processing of goods, or any handicrafts, or industrial business or enterprise, carried on by any person;

(d) «loan» means a loan granted under this Act.

(e) «prescribed» means prescribed by rules under this Act;

(f) «small scale industry» means any industry specified as such by rules made by the State Government (regard being had to the nature of the undertaking and the number of persons employed therein), the capital assets of which (including investment in the form of land, building machinery and equipment), do not exceed the value of five lakhs rupees;

(g) «State Government» means the Administrator appointed under Article 239 of the Constitution.

3. **Power of State Government to grant loans to village and small scale industries.**—For the purpose of encouraging the economic development of the Union Territory in general, subject to such rules as may be made under section 7, loans may be granted under this Act, by such officers of the State Government as the State Government may empower in this behalf, to small scale and cottage industries.

4. **Applications for loans.**—(1) Any person desiring to obtain a loan under section 3 for any cottage

industry or small scale industry, shall make an application addressed to the officer empowered under that section in such form and containing such particulars, as may be prescribed.

(2) The officer, on receiving an application under sub-section (1) may, after making such inquiries as he thinks fit, but subject to any rules made under section 7, grant the loan applied for.

5. Repayment of Loans. — Every loan shall be repayable by instalments (in the form of annuity or otherwise) together with interest (including penal interest), if any, at such rate or rates and within such period from the date of actual advance of the loan, as may, from time to time, be prescribed by rules made under section 7;

Provided that nothing in this section shall prevent the borrower from repaying all or any of the instalments of the loan at any time earlier than the due date.

6. Modes of recovery of loans. — (1) Subject to any rules made under section 7, all loans, all interest (including any penal interest) chargeable thereon and costs incurred in making or recovering the same, shall be recoverable when they become due, by the Collector, or such other officer as the State Government may authorise in this behalf, on receipt of the intimation from the authority sanctioning the loan, in one or more of the following modes, namely:

- (a) from the borrower — as if they were arrears of land revenue due by him;
- (b) from his surety, if any — as if they were arrears of land revenue due by him;
- (c) out of the assets created out of the amount of loan advanced — according to the procedure for realisation of land revenue by the sale of such assets;
- (d) out of the property comprised in the collateral security (if any) — according to the procedure for the realisation of land revenue by the sale of such property.

(2) Where any sum due on account of any such loan, interest or costs is paid to the Collector or any other officer referred to in (6) (1) by a surety or an owner of property comprised in any collateral security, or is recovered under sub-section (1) by the Collector from a surety or out of any such property, the Collector shall, on the application of the surety or the owner of that property as the case may be, recover that sum on his behalf from the borrower, or out of the assets of the industry for the benefit of which the loan was granted in the manner provided by sub-section (1).

7. Power to make rules. — (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for —

- (a) the manner of making applications for loan, the form of the application and particulars of the form under sub-section (1) and the manner of conducting inquiries relating to

such applications under sub-section (2) of section 4;

- (b) the nature and extent of security to be taken for the due application and repayment of money, the rate of interest at which and the conditions under which, loans may be granted, and the manner and time granting loans;
- (c) inspection of works for which loans are granted;
- (d) the instalment by which and the mode in which the loans, the rates of interest (including any penal interest), if any, to be charged on loans and the cost incurred in the making thereof, shall be paid, under section 5;
- (e) the manner of keeping and auditing the accounts of the expenditure of loans, and of the payment made in respect of the same;
- (f) the valuation of securities;
- (g) the insurance of property mortgaged for securing the loans;
- (h) the form of agreement, deed and mortgage deed in respect of the property offered as security for the loan; and
- (i) all other matters pertaining to the working of this Act.

(3) All rules made under this section shall be subject to the condition of previous publication.

(4) All rules made under this section shall be published in the Official Gazette and shall be laid for not less than thirty days before the Legislative Assembly as soon as may be after they are made and shall be subject to such modification as the Assembly may make, during the session in which they are so laid or the session immediately following.

Secretariat
Panjim,
October 25, 1965

P. B. VENKATASUBRAMANIAN
Secretary to the Government of Goa,
Daman and Diu.

LA/3272/65

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the assent of the President of India on the 15th October, 1965 and is hereby published for general information.

The Goa, Daman and Diu Civil Courts Act, 1965

(No. 16 of 1965) [15th October, 1965]

An Act to provide for the constitution and organisation of a District Court and subordinate Civil Courts in the Union Territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Sixteenth Year of the Republic of India as follows:

1. Short title, extent and commencement. — (1) This Act may be called the Goa, Daman and Diu Civil Courts Act, 1965.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires:

(a) «Administrator» means the Administrator of Goa, Daman and Diu, appointed under Article 239 of the Constitution.

(b) «High Court» means the Judicial Commissioner's Court constituted by the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963.

(c) «Official Gazette» means the Goa, Daman and Diu Government Gazette.

(d) «Union Territory» means the Union Territory of Goa, Daman and Diu.

PART II

District Court

3. District Court.—There shall be a District Court for the whole of the Union Territory, presided over by a Judge to be called the District Judge and appointed by the Administrator but the Administrator may from time to time by notification in the Official Gazette, alter the limits of the District or create new Districts for the purposes of this Act, in consultation with the High Court.

4. Situation of District Court.—The District Judge shall ordinarily hold the District Court at Panjim, but may, with the previous sanction of the High Court, hold it elsewhere within the Union Territory.

5. Original jurisdiction of District Court.—The District Court shall be the principal Court of original civil jurisdiction in the district, within the meaning of the Code of Civil Procedure, 1908 or any other law for the time being in force.

6. Appellate jurisdiction of District Court.—Save as otherwise expressly provided in this Act, the District Court shall be the Court of Appeal from all decrees and orders passed by the subordinate Courts from which an appeal lies under any law for the time being in force.

7. Control and inspection of Courts.—(1) Subject to the provisions contained in the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963 and the rules made thereunder, the District Judge shall have general control over all the Civil Courts subordinate to the District Court and their establishment and it shall be his duty to inspect, or to cause one of his assistants to inspect, the proceedings of all such Courts. Thereafter the District Judge or an Additional District Judge may give such direction with respect to matters not provided for by law as he may think necessary.

(2) The District Judge shall also refer to the High Court all such matters as appear to him to require that a rule of that Court should be made thereon.

8. Writs and Orders.—(1) The District Judge shall obey all writs, orders or processes issued to him by the High Court and shall make such returns or reports thereto under his signature and the seal of the Court as the exigencies of the case require.

(2) He shall further furnish such reports and returns and copies of proceedings as may be called for by the High Court or the Administrator.

9. Additional District Judges.—The Administrator may appoint one or more Additional Judges to the District Court who shall be invested with co-extensive powers and a concurrent jurisdiction with the District Judge, except that an Additional District Judge shall not keep a file of civil suits or appeals and shall transact such civil business only as he may receive from the District Judge, or as may have been referred to him by order of the High Court.

10. Assistant Judges.—The Administrator may appoint one or more Assistant Judges to assist the District Judge.

11. Situation of Assistant Judge's Court.—An Assistant Judge shall ordinarily hold his Court at the same place as the District Judge, but he may hold his Court elsewhere if the Administrator, in consultation with the High Court, so directs.

12. Original jurisdiction of Assistant Judge.—(1) The District Judge may refer to any Assistant Judge original suits applications or references under Special Acts and miscellaneous applications.

(2) The Assistant Judge shall have jurisdiction to try such suits and to dispose of such applications or references as are referred to him by the District Judge under sub-section (1).

(3) Where the Assistant Judge's decrees and orders in such cases are appealable, the appeal shall lie to the District Judge if the amount of value of the subject matter does not exceed ten thousand rupees and to the High Court in other cases.

13. Appellate jurisdiction of Assistant Judge.—(1) An Assistant Judge shall have jurisdiction to try such appeals from the decrees and orders of the subordinate courts as would lie to the District Judge and as may be referred by him to the Assistant Judge.

(2) Decrees and orders passed under this section by an Assistant Judge shall have the same force and shall be subject to the same rules as regards procedure and appeals as decrees and orders passed by the District Judge.

14. Assistant Judge with powers of District Judge. (1) The Administrator may by notification in the Official Gazette invest an Assistant Judge with all or any of the powers of a district Judge within a particular part of a District and may, by notification from time to time determine or alter the limits of such part.

(2) The jurisdiction of an Assistant Judge so invested shall pro tanto exclude the jurisdiction of the District Judge from within the said limits.

(3) Every Assistant Judge so invested shall ordinarily hold his Court at such place within the local limits of his jurisdiction as may be determined by the Administrator, but may, with the previous sanction of the High Court hold it at any other place within such limits.

PART III

Civil Judges

15. Number of subordinate Civil Courts.—There shall be so many Civil Courts subordinate to the

District Court as the Administrator may, from time to time direct.

16. Appointment of Civil Judges. — The Judges of such Subordinate Courts shall be appointed by the Administrator and shall be called Civil Judges.

17. Local limits of jurisdiction of Civil Judges. — The Administrator, may by notification in the Official Gazette, fix, and by a like notification, from time to time, alter the local limits of the ordinary jurisdiction of the Civil Judges.

18. Situation of subordinate Courts. — (1) The Civil Judges shall hold their Courts at such place or places as the Administrator may, from time to time appoint within the local limits of their respective jurisdictions:

Provided that for special reasons it shall be lawful for the Administrator to order that a Civil Judge shall hold his Court at a place outside the local limits of his jurisdiction

(2) Wherever more than one such place is appointed, the District Judge shall, subject to the control of the High Court, fix the days on which the Civil Judge shall hold his court at each of such places, and the Civil Judge shall cause such days to be duly notified throughout the local limits of his jurisdiction.

(3) The same person may be the Judge of more than one subordinate Court and may dispose of the Civil business of any one of his Courts at the headquarters of any other of his Courts, and in such cases the District Judge shall, subject to the control of the High Court prescribe rules for regulating the time during which the Civil Judge shall sit in each Court.

19. Additional Civil Judges. — (1) For the purposes of assisting the Judge of any subordinate Court in the disposal of the Civil business on his file, the Administrator may appoint to such Court one or more additional Civil Judges. An Additional Civil Judge shall dispose of such civil business within the limits of his pecuniary jurisdiction as may, subject to the control of the District Judge, be referred to him by the Civil Judge of such Court.

(2) For the purpose of this section the provisions of this Act applicable to Civil Judges shall be, applicable to additional Civil Judges.

20. Classes of Civil Judges and their jurisdiction. —

(1) The Civil Judges shall be of two classes, namely Senior Civil Judges and Junior Civil Judges.

(2) The jurisdiction of a Senior Civil Judge extends to all original suits and proceedings of a Civil nature.

(3) The jurisdiction of a Junior Civil Judge extends to all original suits and proceedings of a civil nature wherein the subject matter does not exceed in amount or value ten thousand rupees:

Provided that the Administrator may increase the limit of ten thousand rupees to fifteen thousand rupees in the case of any Junior Civil Judge of not less than ten years standing and specially recommended in this behalf by the High Court. A Civil Judge so empowered shall continue to exercise this power so long and as often as he may fill the office

of a Junior Civil Judge without reference to the place in which he may be employed unless the powers are withdrawn by the Administrator.

21. Local limits of jurisdiction. — (1) The local limits of the jurisdiction of every Civil Judge, Senior or Junior, shall be such as may from time to time be fixed by the administrator in consultation with the High Court by notification in the Official Gazette.

(2) A Senior Civil Judge in addition to his ordinary jurisdiction, shall have and exercise jurisdiction in respect of such suits and proceedings of a civil nature as may arise within the local jurisdiction of such Courts presided over by a Junior Civil Judge as may be specified by the Administrator in consultation with the High Court by notification in the Official Gazette, and wherein the subject matter exceeds the pecuniary jurisdiction of the Junior Civil Judge as defined in the preceding section.

22. Appeals from his decision. — In all suits decided by a Civil Judge of which the amount or value of the subject matters exceeds ten thousand rupees the appeal from his decision shall be direct to the High Court.

23. Appellate jurisdiction of Civil Judge. — (1) The Administrator may invest any Senior Civil Judge with power to hear appeals from such decrees and orders of a Junior Civil Judge as may be referred to him by the District Judge.

(2) Decrees and orders so passed in appeal by a Senior Civil Judge, shall have the same force as if passed by a District Judge.

(3) A Senior Civil Judge, on whom the power of hearing appeals has once been conferred under this section shall continue to have this power so long and so often as he may fill the office of senior Civil Judge, without reference to the place in which he may be employed:

Provided that the Administrator may by notification in the Official Gazette at any time withdraw such power.

24. Power to invest Civil Judges with small cause powers. — (1) The High Court may invest any Civil Judge with the jurisdiction of a Court of Small Causes for the trial of suits cognizable by such courts up to such amount as it may deem proper, not exceeding in the case of a Senior Civil Judge one thousand and five hundred rupees and in the case of Junior Civil Judge five hundred rupees.

(2) A Senior Civil Judge or a Junior Civil Judge who is invested with the jurisdiction of a Court of Small Causes under sub-section (1) shall continue to have such jurisdiction so long and as often as he may fill the office of Senior Civil Judge or Junior Civil Judge as the case may be, without reference to the place in which he may be employed.

(3) The High Court may, whenever it thinks fit, withdraw such jurisdiction from any Civil Judge so invested.

25. Power to invest Civil Judges with jurisdiction under special law. — (1) The Administrator may by general or special order invest any Civil Judge, within such local limits and subject to such pecuniary limitation as may be prescribed in such

order, with all or any of the powers of a District Judge or a District Court as the case may be under any special law.

(2) Every order made by a Civil Judge by virtue of the powers conferred upon him under sub-section (1) shall be subject to appeal to the High Court or the District Court according as the amount or value of the subject matter exceeds or does not exceed ten thousand rupees.

(3) Every order of the District Judge passed on appeal under sub-section (2) from the order of a Civil Judge shall be subject to an appeal to the High Court under the rules contained in the Code of Civil Procedure applicable to appeals from appellate decrees.

PART IV

Miscellaneous

26. Suits in which Government is a party. — (1) No Court other than the District Court shall receive or register any suit in which the Central Government or the Administrator or the Government of Goa, Daman and Diu or any officer of Government in his official capacity, is a party:

Provided that the Administrator may by general or special order notified in the Official Gazette, direct that the provisions of this section shall not apply to any suit or class or category of suits of the nature referred to therein.

(2) Nothing in this section shall be deemed to apply to a suit against the administration of a Government Railway.

27. Seal. — (1) The District Judge shall use a circular seal, in 050.8 metres in diameter, which shall bear thereon the Asoka Capital Motif with the following inscription in Hindi and English —

«District Court of Goa, Daman and Diu».

(2) Every additional District Judge and Assistant Judge shall use the seal of the District Judge.

(3) Each Civil Judge shall use a circular seal one inch and a half in diameter, bearing the Asoka Capital Motif with the following inscription in English and in Hindi —

«Civil Judge of».

28. Temporary vacancy of Judges. — (1) In the event of the District Judge being prevented from performing his duties by illness or other casualty, or of his absence from his district on leave, or of his death, the Seniormost Additional District Judge if any, or in his absence, the Seniormost Assistant Judge if any or the Seniormost Civil Judge shall assume charge of the District Court without interruption to his ordinary jurisdiction, and while so in charge shall perform the duties of a District Judge with respect to the filling of suits and appeals, receiving pleadings, execution of processes, return of writs and the like and shall be designated Additional District Judge, Assistant Judge or Civil Judge as the case may be, in charge of the district and shall continue in such charge until the office of District Judge may be resumed or assumed by an officer duly appointed thereto.

(2) In the event of the death, suspension or temporary absence of any Civil Judge, the District Judge may empower the Judge of any other subordinate

Court to perform the duties of the Judge of the vacated subordinate Court, either at the place of such Court or of his own Court; but in every such case the registers and records of the two Courts shall be kept distinct.

29. Delegation of powers of District Judge. — Any District Judge leaving the station and proceeding on duty to any place within his district may delegate to an Additional District Judge, if any, or the Assistant Judge, or in the absence of an Assistant Judge to a Civil Judge at the station, the power of performing such of the duties enumerated in the preceding section as may be emergent; and such officer shall be designated Additional District Judge, Assistant or Civil Judge, as the case may be, in charge of the station.

30. Ministerial Officers. — (1) The duties and designations of the ministerial officers of the Civil Courts shall be regulated by such rules as the High Court may from time to time prescribe.

(2) There may be appointed to any Civil Court under this Act a clerk of the Court, who in addition to such duties as may from time to time be prescribed by the High Court may receive and register plaints, and shall refer such as he may consider should be refused for the orders of the Judge of the Court, and may sign all processes, and authenticate copies of papers.

31. Rules for keeping proceedings. — The proceedings of each Civil Court shall be kept and recorded according to such rules as the High Court may from time to time prescribe. The High Court shall also lay down rules under which copies of papers may be granted.

32. Petition writers. — (1) The High Court may, from time to time make rules consistent with this Act and any other enactment for the time being in force: —

(a) declaring what persons shall be permitted to act as petition-writers in the Courts subordinate to it;

(b) regulating the issue of licences to such persons, the conduct of business by them, and the scale of fees to be charged by them; and

(c) providing a penalty of fine not exceeding fifty rupees for the breach of any of the rules so made and determining the authority by which such breaches of the rules shall be investigated, the penalties imposed, and the procedure to be followed by such authority.

(2) Every fine imposed under clause (c) of subsection (1) shall be recoverable as if it were a fine imposed by a Magistrate in the exercise of his ordinary jurisdiction.

33. Sittings of Courts. — The District and Subordinate Courts shall sit from day to day except on closed holidays notified by the High Court under section 21 of the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation 1963.

34. Repeal and savings. — (1) As from the commencement of this Act, any law in force in the Union Territory making provisions for the constitution and organisation of Civil Courts, or any part of such law, shall stand repealed.

(2) Notwithstanding anything contained in the foregoing provisions: —

- (a) the constitution and organisation of Courts under this Act shall not prejudicially affect the continued operation of any notice served, injunction issued, direction made or proceedings taken before the commencement of this Act by any court under the powers conferred upon it by any law for the time being in force;
- (b) every proceedings pending before a court of comarca immediately before the commencement of this Act shall, on such commencement, stand transferred to the corresponding court of Senior Civil Judge;
- (c) every proceeding pending before any court of Julgado immediately before the commencement of this Act shall, on such commencement, stand transferred to the corresponding court of Junior Civil Judge; and
- (d) every decree or order made or sentence passed by a court of Comarca or a Court of Julgado shall be deemed for the purpose of execution to have been made or passed by the corresponding court of Senior Civil Judge or Junior Civil Judge, as the case may be.

Explanation: — In this section the expression «corresponding court» means the court specified as such by order of the Administrator published in the Official Gazette.

35. Rule of construction. — Any reference in any law in force in the Union Territory to the Court of Comarca or to the Court of Julgado or to the Judge thereof, shall be construed as a reference respectively to the Court of Senior Civil Judge and the Court of Junior Civil Judge, or to the Judge thereto.

36. Removal of difficulties. — If any difficulty arises in giving effect to the provisions of this Act, the Administrator in consultation with the High Court may, by order, published in the Official Gazette, make such provisions or give such directions (not inconsistent with the provisions of this Act) as may appear to him to be necessary for the removal of the difficulty.

Secretariat

Panjim,

October 25, 1965

P. B. VENKATASUBRAMANIAN
Secretary to the Government of Goa,
Daman and Diu.

Industries and Labour Department

Notification

The following Scarce Industrial Materials (Control) Order, 1965, together with up-to-date amendments and notifications, received from the Government of India in the Ministry of Steel and Mines — Department of Mines & Metals, New Delhi, is hereby republished for the information of all concerned.

B. K. Chougule, Secretary, Industries & Labour Department.

Panjim, 18th October, 1965.

GOVERNMENT OF INDIA

MINISTRY OF STEEL & MINES

Department of Mines and Metals

Order

New Delhi, the 14th September, 1965
23rd Bhadra, 1887.

S. O. 2912 — In exercise of the powers conferred by rule 125 of the Defence of India Rules, 1962, the Central Government hereby makes the following Order, namely: —

1. Short title, extent and commencement. — (1) This Order may be called the Scarce Industrial Materials (Control) Order, 1965.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. Definitions. — In this Order, unless the context otherwise requires;

(a) «Controller» means the Director General of Technical Development, New Delhi, and includes any other officer appointed by the Central Government to perform the functions of the Controller under this order;

(b) «importer» means a person who imports any scarce industrial material into India;

(c) «producer» means any person who produces any scarce industrial material by any means whatsoever;

(d) «scarce industrial material» means any industrial material mentioned in the Schedule to this Order.

3. Declaration of stocks. — Every person holding in stock on the date of commencement of this Order, whether on his own account or on account of any other person, any scarce industrial material shall, within fifteen days of such commencement, furnish to the Controller information about the quantity and description of such scarce industrial material.

4. Restriction regarding sale etc. of scarce industrial material. — (1) No person shall sell or otherwise dispose of or use any scarce industrial material except under and in accordance with a permit issued by the Controller in this behalf.

(2) No person shall acquire or agree to acquire any scarce industrial material from an importer or a producer or any other person holding in stock any scarce industrial material except under and in accordance with a permit issued by the Controller in this behalf.

(3) Every permit issued under this clause shall be in such form as may be prescribed by the Controller with the approval of the Central Government and shall be valid for a period of sixty days from the date of issue and may be renewed from time to time for such periods not exceeding sixty days at a time, as the Controller thinks fit.

(4) (See amendment attached).

5. Factors to be taken into account while issuing permit under clause 4. — In issuing any permit under clause 4, the Controller shall have regard to the following matters, namely: —

(a) the quantity of scarce industrial material required for defence purposes;

(b) the quantity of scarce industrial material required for the purpose of any scheduled industry as defined in the Industries (Development and Regulation) Act, 1951 (65 of 1951);

(c) the quantity of scarce industrial material required for small-scale industries in each State, based on the recommendations of the Development Commissioner, Small-Scale Industries, Government of India, or of the Director of Industries of the State;

(d) the quantity of scarce industrial material produced or imported and available for distribution;

(e) any other relevant factor.

6. Obligation on person holding stock of scarce industrial material to sell.—Where a permit has been issued under sub-clause (2) of clause 4, it shall be obligatory upon any importer or producer or any other person to sell, subject to such conditions as may be specified in any special or general written order of the Controller, any scarce industrial material imported, produced, or otherwise held in stock by him to the person holding such permit within such time as may be specified in this behalf in the permit.

7. Price at which scarce industrial material may be sold.—(1) No person other than a producer shall sell or offer to sell any scarce industrial material at a price which exceeds the amount represented by an addition of $3\frac{1}{2}\%$ to its landed cost. (See amendment attached).

(2) No producer shall sell or offer to sell any scarce industrial material at a price exceeding that as may be fixed by the Controller in this behalf and the price so fixed by the Controller shall be a sum equal to the average landed cost of such scarce industrial material in the month immediately preceding the month in which the sale takes place plus $3\frac{1}{2}\%$ of such average landed cost.

(3) Notwithstanding anything contained in sub-clause (1) or sub-clause (2) every importer, producer or other person shall be entitled to recover from the purchaser the actual expenses incurred by him towards the payment of any duty in respect of the scarce industrial material.

(4) No person shall purchase or offer to purchase from any person any scarce industrial material at a price higher than that at which it is permissible for that other person to sell to him under this clause.

(5) In this clause «landed cost» means the aggregate of—

- (i) the c. i. f. Indian port price;
- (ii) the bank charges for opening letter of credit;
- (iii) the bank's interest charges for payment against the letter of credit or sight draft;
- (iv) the actual expenses incurred by way of
 - (a) port trust and clearing charges and
 - (b) charges for transport from docks or jetties to warehouse.

8. Maintenance of books, accounts etc.—Every importer, producer and other person holding stock of any scarce industrial material, shall—

(a) furnish such returns and maintain such books, accounts and other records relating to the import, production, use or disposal of any scarce industrial material as the Controller may direct;

(b) produce before any officer authorised by the Controller in this behalf any such books, accounts or other records as that officer may require;

(c) furnish to the Controller or any other officer authorised by the Controller in this behalf any information in his possession relating to the import, production use and disposal of any scarce industrial material.

9. Power to enter, search, etc.—The Controller or any other officer authorised by the Central Government in this behalf may, with a view to securing compliance with this Order or to satisfy himself that the provisions of this Order have been complied with—

(a) enter and search any premises, vehicles, vessels or aircraft in which he has reason to believe that any scarce industrial material is stocked;

(b) inspect or cause to be inspected any books or document as well as any stocks of any scarce industrial material belonging to or under the control of an importer or producer or any other person;

(c) seize, with such assistance or did as may be necessary, any scarce industrial material in respect of which he suspects that any provision of this Order has been, is being or is about to be contravened.

10. Saving.—Nothing in clause 3 or clause 8 shall apply to a person holding stock of copper, lead or zinc weighting less than one metric tonne or of tin weighting less than 250 kilogrammes.

N. C. SHRIVASTAVA
Secretary to the Government of India.

SCHEDULE

See clause 2(d)

1. **Copper**—Unwrought in the form of ingots, blooms, slabs, cakes, tiles, bricks, blocks, billet, cathodes, blister bars; electrolytic wire bars and ingot bars.

2. **Lead**—lead ingot, pig and scrap.

3. **Tin**—tin block and tin scrap.

4. **Zinc**—zinc or spelter, unwrought including mazak alloys of zinc and aluminium containing not less than 94% zinc, zinc dross; dust, ashes and zinc in the form of ingots, cake, tile, slab, plate and granulations including all forms of zinc scrap, zinc wrought including wire rods, sections, sheets including highly polished sheets especially prepared for making process blocks, lithographic sheets and the following manufacturers, namely zinc perforated sheet cut to size.

(See Amendment Attached)

Amendment to the Scarce Industrial Materials (Control) Order, 1965

New Delhi, the 18th September, 1965
27th Bhadra, 1887.

S. O.—In exercise of the powers conferred by rule 125 of the Defence of India Rules, 1962, the Central Government hereby makes the following order to amend the Scarce Industrial Materials (Control) Order, 1965, namely:—

1. **Short title, extent and commencement.**—(1) This Order may be called the Scarce Industrial Materials (Control) Amendment Order, 1965.

(2) It shall come into force at once.

2. **Amendment of the Scarce Industrial Materials (Control) Order, 1965.**—In the Scarce Industrial Ma-

terials, (Control) Order, 1965, for the Schedule, the following shall be substituted, namely:—

SCHEDULE

See Clause 2(d)

1. *Copper*—Unwrought in the form of ingots, blooms, slabs, cakes, tiles, bricks, blocks, billets, cathodes, blister bars, electrolytic wire bars, ingot bars and copper scrap in any form.

2. *Lead*—Lead ingot, pig and lead scrap in any form.

3. *Tin*—Tin block and tin scrap in any form.

4. *Zinc*—Zinc spelter, unwrought including zinc in the form of ingots, cakes, tiles, bricks, slabs, plates and granulations, or such other unwrought forms, scrap, also mazak and other zinc Die Casting alloys.

R. N. VASUDEVA

Joint Secretary to the Government of India.

Notification

*New Delhi, the 18th September, 1965
27th Bhadra, 1887.*

S. O.—In exercise of the powers conferred by rule 125 of the Defence of India Rules, 1962, the Central Government hereby makes the following further amendments in the Scarce Industrial Materials (Control) Order, 1965, namely:—

1. **Short title and commencement.**—(1) This Order may be called the Scarce Industrial Materials (Control) Second Amendment Order, 1965.

(2) It shall come into force at once.

2. **Amendment of the Scarce Industrial Materials (Control) Order, 1965.**—In the Scarce Industrial Materials (Control) Order, 1965,—

(i) in clause 4, after sub-clause (3), the following sub-clause shall be inserted, namely:—

«(4) The Central Government may, if it is of opinion that it is necessary or expedient so to do in the public interest, by notification in the Official Gazette, exempt for such period and subject to such conditions as it may specify in the notification, any person or class of persons from the operation of sub-clauses (1) and (2) of this clause»;

(ii) in clause 7, to sub-clause (1), the following proviso shall be added, namely:—

«Provided that when the landed cost of any scarce industrial material is not readily ascertainable, such landed cost shall be deemed to be the average landed cost of such scarce industrial material in the month immediately preceding the month in which the sale takes place plus 3½% of such average landed cost».

R. N. VASUDEVA

Joint Secretary to the Government of India.

Notification

*New Delhi, the 18th September, 1965,
27th Bhadra, 1887.*

In pursuance of the provisions of sub-clause (4) of clause 4 of the Scarce Industrial Materials (Control) Order, 1965, the Central Government hereby makes the following Order, namely:—

Every person who holds stock of any scarce industrial material for the purpose of consumption in any industrial undertaking may continue to use such scarce industrial material in such industrial undertaking for a period of four weeks from the date of commencement of the Scarce Industrial Materials (Control) Order, 1965, subject to the condition that the consumption of such scarce industrial material during the said period of four weeks shall not exceed the monthly average rate of consumption of the scarce industrial material by the concerned industrial undertaking calculated at the average consumption during the preceding three months.

C. S. VENUGOPALA RAO

Deputy Secretary to the Government of India.

Notification

*New Delhi, the 14th September, 1965
23rd Bhadra, 1887.*

S. O. 2911.—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955, (10 of 1955), the Central Government hereby rescinds the Non-ferrous Metals Control Order, 1958, published with the Order of the Government of India No. S. O. 446 dated the 2nd April, 1958, except as respects things done or omitted to be done.

N. C. SHRIVASTAVA

Secretary to the Government of India.

Order

*New Delhi, the 18th September, 1965,
27th Bhadra, 1887.*

S. O.—In exercise of the powers conferred by rule 125 of the Defence of India Rules, 1962, the Central Government hereby directs that the powers of the «Controller» in relation to the Scarce Industrial Materials (Control) Order, 1965, be exercisable also by Shri D. P. Sengupta, Development Officer, Directorate General of Technical Development.

R. N. VASUDEVA

Joint Secretary to the Government of India.